AF/ JR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wit Cezary Bushko et al.	§		
	§	Group Art Unit:	2882
Serial No.: 10/601,715	§		
	§	Examiner:	Elizabeth Marie Keaney
Filed: June 23, 2003	§		
	§		
For: COLLISION AVOIDANCE SYSTEM AND METHOD	§	Atty. Docket:	121839-1/YOD GERD:0058

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July 17, 2006 — Date

PSY — Patrick S. Yoder

REPLY BRIEF

This is in response to the Examiner's Answer mailed on May 16, 2006.

Regarding the rejections in view of prior art, both the Examiner's argument and the Response to Appellants' arguments appear to crystallize two issues. That is, whether Klotz teaches (1) a collision avoidance array disposed on the detecting face of the detector and (2) a plurality of sensors disposed on a substrate substantially in a plane.

Klotz fails to teach a collision avoidance array disposed on the detecting face of the detector.

The Examiner analyzed Klotz as teaching a collision avoidance array disposed on the detecting face of the detector, as claimed. The Examiner, moreover, argued that based upon the figures of Klotz, and particularly Fig. 2, the array of sensors is disposed on the detector face. The Examiner referred particularly to a passage of Klotz found at column 3, lines 38-40 of the reference. Klotz does, in this passage, discuss a "capacitive proximity sensing system", but this does not appear to be disposed on the detecting face of the detector. Although Appellants are aware that limitations and details set forth in the specification cannot be read into the claims, they would also stress that the claims *necessarily* are interpreted in view of the specification. The "collision avoidance array" of the claims simply cannot be reasonably extended to the "capacitive proximity detection system" discussed by Klotz, as the Examiner must do to support the rejection.

Indeed, even if the Examiner's analysis were accepted, the capacitive proximity detection system of Klotz is clearly disposed on the collar assembly. This includes any shielding elements referred to by the Examiner. In the Klotz arrangement, the collar assembly is disposed peripheral to the detector, generally in a toroidal or donut shape, as pointed out earlier by the Appellants. Specifically, the proximity sensing system includes a shield system with shield plates. These plates are *not* disposed in front of or over the detecting face of the detector, however. Indeed, the role of the shield plates of Klotz is *to redirect flux for the very reason that the proximity sensing system is NOT disposed on the detecting face*. Klotz specifies that the shield plates are disposed on a portion of the collar assembly that is between the sensor plate elements and the detector, and a movable slide so as to focus the capacitive sensing of the sensor plate elements to the imaging region. The fact that the shield elements focus flux towards the imaging region indicates that the shield plates are not disposed on the detecting face of the detector.

Appellants submit and stress, then, that Klotz simply support the rejection formulated and maintained by the Examiner.

Klotz fails disclose a plurality of sensors disposed on a substrate substantially in a plane.

The Examiner also relied upon Klotz for teaching a plurality of sensors disposed on a substrate substantially in a plane. The Examiner argued that from the figures of Klotz, particularly Figs. 3B and 3C, the array of sensors are disposed on a substrate substantially in a plane. The Examiner stated that the shape in which the sensors are arranged is irrelevant insofar as the sensors lie on the same geometric plane. Klotz does, in these passages, discuss "a plurality of sensors", but they do not appear to be disposed on the substrate or in the same plane. Accordingly, the "plurality of sensors" of Klotz are not disposed on the substrate and on the same plane as compared to the claimed "collision avoidance array".

Appellants submit that, Klotz teaches *sensor plates extending circumferentially over a large portion of the collar assembly*. The collar assembly is disposed around the detector. Klotz specifically discloses that the sensor plates are disposed in the interior of the circular tube like structure of the collar assembly. Klotz does not mention that all the sensors are disposed on a substrate, or that the sensors are disposed in the same plane. Instead, Klotz discloses that the sensor plates are oriented so that the plane of the plates is perpendicular to the lateral axis of the collar assembly. Because the sensor plates are arranged circumferentially, the sensors cannot be substantially in a plane.

In conclusion, Appellants again stress that Klotz does not teach the claimed invention. The Examiner relied upon Klotz for teaching a proximity sensing system, it is the Appellants' position that Klotz does not a collision avoidance array disposed on the face of a detector including sensors disposed substantially in a plane. Appellants respectfully request that the Board reverse the rejections, and instruct the Examiner to allow the pending claims.

Respectfully submitted,

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Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545